

## **Grievance Process for Title II of the Americans Disabilities Act of 1990**

Title II of the Americans with Disabilities Act of 1990 (ADA) protects qualified individuals with a disability from discrimination on the basis of that disability in the services, programs, or activities of the Maine Department of Transportation (MaineDOT). This notice is posted to inform the public of the provisions of Title II of the ADA and the requirements of the Federal ADA regulations.

Grievance Procedure: The MaineDOT does not discriminate against qualified individuals with a disability in its services, programs or activities. Also, qualified individuals with a disability are not excluded from participation in or denied the benefits of the services, programs, or activities of the MaineDOT. If an individual has a complaint under Title II of the ADA about the services, programs or activities of the MaineDOT, he or she is encouraged to file the complaint with the ADA Title II Coordinator.

### **How to file a Grievance:**

The procedure to file a grievance is as follows:

1. A formal written grievance should be filed with the ADA Title II Coordinator. If you are unable to provide a written statement an oral grievance can be filed by contacting ADA Title II Coordinator. Under the Grievance Procedure, a formal complaint must be filed within 180 calendar days of the alleged occurrence using the form below or other methods. Additionally, individuals filing a grievance are not required to file a grievance with MaineDOT, but may instead exercise their right to file a grievance with the Department of Justice. The grievance must include the following information:
  - The name, address, and telephone number of the person filing the grievance.
  - The name, address, and telephone number of the person alleging ADA violation, if other than the person filing the grievance.
  - A description and location of the alleged violation and the remedy sought.
  - Information regarding whether a complaint has been filed with the Department of Justice or other Federal or state civil rights agency or court.
  - If a complaint has been filed, the name of the agency or court where the complaint was filed, and the date the complaint was filed.
2. The grievance will be either responded to or acknowledged within 10 working days of receipt. If the grievance filed does not concern a MaineDOT facility, it will be forwarded to the appropriate agency and the grievant will be notified.
3. Within 60 calendar days of receipt, the ADA Title II Coordinator will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, ADA Title II Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach a resolution of the grievance. Any resolution of the grievance will be documented in the MaineDOT's ADA Grievance File.
4. If a resolution of the grievance is not reached, a written determination as to the validity of the complaint and description of the resolution, if appropriate, shall be issued by ADA

Title II Coordinator and a copy forwarded to the grievant no later than 90 days from the date of the MaineDOT's receipt of the grievance.

5. If the grievant is dissatisfied with MaineDOT's handling of the grievance at any stage of the process or does not wish to file a grievance through the MaineDOT's ADA Grievance Procedure, the grievant may file a complaint directly with the United States Department of Justice at [https://www.ada.gov/filing\\_complaint.htm](https://www.ada.gov/filing_complaint.htm) other appropriate state or Federal agency.

The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the MaineDOT. Accordingly, the resolution by the MaineDOT of any one grievance does not constitute a precedent upon which the MaineDOT is bound or upon which other complaining parties may rely.

**File Maintenance:** The MaineDOT's ADA Title II Coordinator shall maintain ADA grievance files for a period of three years.

**Submit all inquiries and grievances to:**

Theresa Savoy, ADA Title II Coordinator  
Director, Special Projects  
Maine Department of Transportation  
SHS 16  
Augusta, Maine 04333

Phone: 207-624-3238  
E-mail: [Theresa.savoy@maine.gov](mailto:Theresa.savoy@maine.gov)  
TTY: Users dial Maine RELAY 711